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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,462	07/20/2001	Karim Maskatiya	021110-000200US	1742
20350 7590 09/10/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER OYEBISI, OJO O	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 09/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/910,462

Applicant(s)

MASKATIYA ET AL.

Examiner

OJO O. OYEBISI

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-5 and 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/04/2007 has been entered. In the RCE filed on 01/04/07, the following have occurred: claims 1-5, 7-8, and 10 have been amended, and new claims 11-12 have been added, leaving claims 1-5 and 7-12 pending in the application:

***Claim Rejections - 35 USC § 103***

- 1 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 1-5, 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez (US PAT: 5,208,446) in view of Bloom (US PAT: 6974928).

**Re claims 1, 2-3, 11.** Martinez discloses the method of delivering at least one item or service from a provider to a receiver the method comprising: receiving an order for at least one item or service with available from the provider (see fig. 1, also see col.1 lines 35-65, see col.2 lines 45-65); in response to the information regarding the order identifier being provided to the financial processor, providing payment for the at least one item or service from the financial processor to the provider (i.e., see col.3 lines 10-67), and in response to payment being provided to the provider, delivering the at least one item or service to the receiver (see col.5 lines 30-40). Martinez does not expressly disclose providing an order identifier in response thereto, obtaining the order identifier from the receiver at substantially at the time of delivery, providing information regarding the order identifier obtained at the time of delivery to a financial processor. However, Bloom makes this disclosure (see the summary of the invention). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Martinez and Bloom to provide added security to the delivery of goods.

**Re claim 4.** Martinez further discloses a method in accordance with claim 1 wherein the at least one piece of data is provided to the financial processor with other pieces of data from other transactions (i.e., Data inputted by system 53 is stored in memory 52 as legal tender or programming information 57. When credit card information including the card number, expiration date, cardholder name, etc. is entered into memory 52 by sensor 54 and the user wishes to validate the credit card number, the user presses a selected button on keyboard 53 or otherwise prompts controller 51 to generate and transmit signals 59 to transmitter-receiver 50. Signals 59 include the credit card

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information. Transmitter 50 transmits 60 the signals 59 to the cellular telephone network of FIG. 4 or to another selected communications network. The cellular telephone network of FIG. 4 receives and transmits signals 59 to a host computer 102 which validates the credit card information and other data associated with the credit card, see col.3 lines 18-50)

**Re claims 5, 11.** Martinez further discloses a system for delivering at least one item or service from a provider to a receiver (see abstract), the system comprising: a provider of at least one of an item or a service; a deliverer; a financial processor; at least one communication channel for providing communication between the provider, the deliverer, the financial processor and receivers of the at least one of an item or a service (see fig.1-4); and a data gathering device for transmitting data about the order identifier obtained by the deliverer at substantially a time of delivery of the at least one of an item or service to at least one of the provider and the financial processor (see fig.1-4, also see col.3 lines 18-67), **whereby payment is provided for the at least one of an item or service in response to the transmitted data being provided to at least one of the financial processor and the provider and delivery is contingent upon said payment being provided** (see abstract, see col.3 lines 18-50, also see col.5 lines 25-40, see col.3 lines 10-67).

**Re claim 7.** Martinez further discloses a method for obtaining payment for an item or service near the time of delivery, comprising: receiving a determination as to whether payment for the item or service is at least one of approved and accepted (see col.3 line 40-col.4 line 45, also see col.5 lines 20-40); and delivering file item or service to the

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intended recipient when the received determination indicates that payment for the item or service is at least one of approved and accepted (see the abstract, also see col.5 lines 30-41). Martinez does not expressly disclose obtaining an order identifier from the intended recipient of at least one of an item and a service at substantially a time of delivery for the item or service, the order identifier being received by the intended recipient in response to an order for the at least one of an item and a service; providing information about the obtained order identifier to one of a financial processor and a provider of the item or service. However, Bloom discloses obtaining an order identifier from the intended recipient of at least one of an item and a service at substantially a time of delivery for the item or service, the order identifier being received by the intended recipient in response to an order for the at least one of an item and a service; providing information about the obtained order identifier to one of a financial processor and a provider of the item or service (see the summary of the invention). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Martinez and Bloom to provide added security to the delivery of goods.

**Re claim 8.** Martinez further discloses a method according to claim 7, wherein:

obtaining an order identifier includes obtaining at least one piece of data selected from the group consisting of a purchase order number, and a purchase order-type document (i.e., Data inputted by system 53 is stored in memory 52 as legal tender or programming information 57. When credit card information including the card number, expiration date, cardholder name, etc. is entered into memory 52 by sensor 54 and the user wishes to validate the credit card number, the user presses a selected button on

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keyboard 53 or otherwise prompts controller 51 to generate and transmit signals 59 to transmitter-receiver 50. Signals 59 include the credit card information. Transmitter 50 transmits 60 the signals 59 to the cellular telephone network of FIG. 4 or to another selected communications network. The cellular telephone network of FIG. 4 receives and transmits signals 59 to a host computer 102 which validates the credit card information and other data associated with the credit card, see col.3 lines 18-50).

**Re claim 9.** Martinez further discloses a method according to claim 7, further comprising: returning the item or service undelivered when the received determination indicates that payment for the item or service is not at least one of approved and accepted (see col.5 lines 30-40).

**Re claim 10.** Martinez further discloses a method according to claim 7, wherein: providing the obtained identifying information to one of a financial processor and a provider of the item or service includes transmitting the information about the obtained order identifier to one of a financial processor and a provider of the item or service at substantially the time of delivery (see abstract, also see col.3 lines 30-50).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-5, 7-12 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**NGA NGUYEN**  
**PRIMARY EXAMINER**